

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MEMORANDUM OPINION & ORDER
Criminal File No. 09-298(18) (MJD/KMM)

PHILLIP ROBERT BENNINGHOFF,

Defendant.

Andrew Dunne, Assistant United States Attorney, Counsel for Plaintiff.

Defendant is *pro se*.

This matter is before the Court on Defendant Phillip R. Benninghoff's request for early termination of the term of his supervised release. (Doc. 904.) On June 3, 2010, this Court sentenced Defendant to 120 months in prison with 5 years of supervised release to follow for Conspiracy to Distribute and Possession with Intent to Distribute Cocaine and Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. Defendant's term of supervised release began in August 2018 and is currently expected to expire in August 2023.

Defendant requests early termination of his supervised release based on his positive performance while on supervised release. (Doc. 904.) Since being released from the custody of the Bureau of Prisons and beginning his term of supervised release, Defendant has completed substance abuse and sex offender treatment programs and has had no violations of the conditions of his supervised release. Defendant has also become gainfully employed as a journeyman carpenter.

The Court commends Defendant for the progress he has made on supervised release but notes that Defendant has a serious sex offense on his criminal record. (Doc. 907.) Defendant was convicted of this offense in Florida in 2002 and then was later convicted of failing to register as a sex offender when he returned to Minnesota.

The Court considered the seriousness of Defendant's federal offense as well as his earlier state sex offenses when sentencing Defendant to a 5 year term of supervised release. Considering Defendant's criminal history, the Court finds no valid reason to alter its initial sentence and terminate Defendant's supervised release early. Accordingly, based on the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Defendant's request for early termination of his supervised release (Doc. Nos. 904) is **DENIED**.

Dated: November 1, 2022

s/Michael J. Davis

Michael J. Davis

United States District Court